



Resolution 2034 (2015)¹

Final version

Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation

Parliamentary Assembly

1. On 26 January 2015, the still unratified credentials of the Russian delegation were challenged on the basis of Rules 8.1 and 8.2 of the Rules of Procedure of the Parliamentary Assembly on the grounds that the role and participation of the Russian Federation in the conflict in eastern Ukraine, as well as its continued illegal annexation of Crimea was in violation of the Statute of the Council of Europe (ETS No. 1) as well as its accession commitments to the Council of Europe, which, in general, brought into question the commitment of the Russian delegation to the principles and membership obligations of the Council of Europe.

2. The Assembly recalls its [Resolution 1990 \(2014\)](#) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation. In this resolution, the Assembly considered that the illegal annexation of Crimea by the Russian Federation, and the involvement and actions of the Russian Federation in the lead up to this annexation, constituted a grave violation of international law and were a clear contradiction to the Statute of the Council of Europe and Russia's accession commitments. The Assembly strongly condemned the violation of Ukrainian sovereignty and territorial integrity by the Russian Federation, which required a strong signal of disapproval from the Assembly. At the same time, the Assembly highlighted the need for continuing dialogue with the Russian Federation, including on Russia's obligations and adherence to the values and principles of the Council of Europe. The Assembly therefore decided not to annul the credentials of the Russian delegation but to suspend, until the end of the 2014 session, the voting rights of the Russian delegation as well as its right to be represented in the Bureau, Presidential Committee and Standing Committee of the Assembly and its right to participate in election observation missions. In addition, in this resolution, the Assembly reserved the right to annul the credentials of the Russian delegation if the Russian Federation did not de-escalate the situation and reverse the annexation of Crimea.

3. The Assembly condemns the illegal annexation of Crimea and its continuing integration into the Russian Federation. It is concerned by statements from Russian political leaders that clearly imply that a resolution of this issue in line with international law and principles will not be possible in the foreseeable future. The Assembly reasserts that the illegal annexation of Crimea by the Russian Federation is a gross violation of international law, including of the United Nations Charter, the Helsinki Final Act of the Organization for Security and Co-operation in Europe (OSCE) as well as the Statute of the Council of Europe and Russia's accession commitments to this Organisation.

4. The Assembly is alarmed at the deterioration of the human rights situation in Crimea, including the deaths and disappearances of political activists who were critical of Russia's annexation of Crimea. It is equally concerned about the threats and actions against independent and critical media outlets. In this respect, the Assembly urges the Russian authorities to:

- 4.1. reverse the illegal annexation of Crimea;

1. *Assembly debate* on 28 January 2015 (6th Sitting) (see [Doc. 13685](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Stefan Schennach; and [Doc.13689](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Hans Franken). *Text adopted by the Assembly* on 28 January 2015 (6th Sitting).



- 4.2. fully and transparently investigate these deaths and disappearances as well as allegations of abuse and human rights violations by the police and (para)military forces active in this region;
- 4.3. disband all paramilitary forces in the region;
- 4.4. refrain from exerting pressure and threatening to close independent media outlets and reverse the closure of the Crimean Tatar television channel, ATR.

5. The situation of minorities in Crimea, in particular the Crimean Tatar community, is of serious concern to the Assembly. It is dismayed by the raids on Tatar organisations and institutions, including the offices of the Mejlis (council of representatives of the Crimean Tatar people), as well as the ban on entry into Crimea for the Crimean Tatar leaders, Mr Mustafa Dzhemilev and Mr Refat Chubarov. In addition, the Assembly expresses its concern about reports of the diminishing availability of education in the Ukrainian language in Crimea. In this respect, the Assembly calls on the Russian authorities to:

- 5.1. refrain from harassing, and putting pressure on, Crimean Tatar institutions and organisations;
- 5.2. allow the return to Crimea, and free movement across the administrative boundary line, for Mr Mustafa Dzhemilev and Mr Refat Chubarov;
- 5.3. take all necessary measures to ensure the continued availability of education in the Ukrainian language.

6. The Assembly welcomes the fact that, with few exceptions, civilians continue to move freely across the administrative boundary between Crimea and the rest of Ukraine. It calls on all authorities concerned to refrain from any undue measures that could hinder or impede this free movement of civilians.

7. The Assembly is extremely concerned about the developments in eastern Ukraine and condemns Russia's role in instigating and escalating these developments, including with arms supplies to insurgent forces and covert military action by Russian troops inside eastern Ukraine, which are a gross violation of international law, including the Statute of the Council of Europe as well as of the Minsk Protocol to which Russia is a party. In addition, the Assembly expresses its dismay about the participation of large numbers of Russian "volunteers" in the conflict in eastern Ukraine without any apparent action of the Russian authorities to stop this participation, despite it being in violation of the Criminal Code of the Russian Federation itself. It takes note of credible reports of burials of soldiers on Russian territory. The Assembly condemns the violation of the territorial integrity and borders of a Council of Europe member State by the Russian Federation. It therefore calls on the Russian authorities to immediately:

- 7.1. withdraw all its troops, including covert forces, from Ukrainian territory;
- 7.2. refrain from supplying weapons to the insurgent forces;
- 7.3. take credible measures to end the influx of Russian "volunteers" into the conflict in eastern Ukraine;
- 7.4. adopt amendments to the Criminal Code that criminalise the participation of Russian civilians in armed conflicts abroad, including when they are not remunerated for their actions;
- 7.5. prosecute to the full extent of Russian law, all Russian citizens who have participated as "volunteers" in the armed conflict in eastern Ukraine;
- 7.6. give its full co-operation to the investigations into the downing of Malaysia Airlines flight MH17;
- 7.7. bring the Federal Law on Defence of the Russian Federation into line with the opinion of the European Commission for Democracy through Law (Venice Commission) on this law;
- 7.8. ensure permanent Ukrainian/Russian control of their joint State border;
- 7.9. release all hostages, prisoners of war and illegally held persons.

8. In the view of the Assembly, the conflict in eastern Ukraine can only be resolved by political means. It therefore welcomes the Minsk Protocol and Memorandum, signed by the Russian Federation and Ukraine, as well as by the self-proclaimed people's republics of Donetsk and Luhansk. It therefore expresses its great concern that the Russian Federation is now denying that it is even a party to the Minsk Protocol and Memorandum, asserting that it is only an observer. It deplores the repeated violations by all sides of the ceasefire. It calls on all signatories to respect the ceasefire and fully implement the Minsk Protocol. It particularly calls on the Russian authorities to allow and assist the Ukrainian authorities to establish full control, under international monitoring, of its entire border with Russia, which is the basis of the political solution of the conflict as provided for in the Minsk Protocol.

9. The Assembly is deeply concerned by repeated and credible reports of human rights violations, including possible war crimes, by armed insurgents as well as voluntary battalions fighting alongside the Ukrainian armed forces. The Russian and Ukrainian authorities should fully and transparently investigate any reports of human rights violations and war crimes committed by their nationals and, where violations are found, prosecute them to the fullest extent of the law.

10. Underscoring the need for a negotiated solution to the conflict, the Assembly cannot but condemn the statement of the pro-Russian rebel leader, Alexander Zakharchenko, on 23 January 2015, that his forces will no longer abide by, and are no longer interested in, a ceasefire agreement, as well as his decision to start an offensive to occupy the rest of the Donetsk region as well as the city of Mariupol. This represents a serious escalation of the conflict in eastern Ukraine. The Assembly equally condemns the rocket attack by separatist forces on the town of Mariupol that left at least 30 civilians dead. It urges Russia to use its influence to ensure that the rebel forces return to the negotiating table and fully adhere to the ceasefire agreement as provided for in the Minsk Protocol.

11. The Assembly expresses serious concern about the imprisonment and indictment by the Russian Federation of Ms Nadiya Savchenko, who is now a member of the Assembly. The Assembly considers her transfer by Ukrainian insurgents to the Russian Federation and subsequent imprisonment by the Russian authorities to be in violation of international law amounting to her *de facto* kidnapping. It demands that the Russian Federation respect its obligations under international law, as a Party to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) and its protocol, according to which Ms Nadiya Savchenko, as a member of the Parliamentary Assembly, enjoys European parliamentary immunity. The Assembly calls upon the Russian authorities to release Ms Savchenko within 24 hours and to ensure her return to Ukraine or hand her over to a third country.

12. Russia's actions in Ukraine demonstrate its lack of willingness to honour its accession commitments with regard to its relations with neighbouring countries. The Assembly therefore calls on the Russian authorities to dispel such concerns by:

12.1. implementing [Resolution 1633 \(2008\)](#) on the consequences of the war between Georgia and Russia, [Resolution 1647 \(2009\)](#) on the implementation of [Resolution 1633](#) and [Resolution 1683 \(2009\)](#) on the war between Georgia and Russia: one year after; and reversing the ethnic cleansing and the occupation of the Georgian provinces of Abkhazia and South Ossetia and allowing access to European Union monitors to these regions;

12.2. removing any obstacles to the free movement of civilians across the administrative boundary lines between South Ossetia and Abkhazia and the rest of Georgia;

12.3. implementing without delay its accession commitment to withdraw the 14th Army and its equipment from the territory of the Republic of Moldova;

12.4. promptly implementing the ruling of the European Court of Human Rights in the case of *Catan and others v. the Republic of Moldova and Russia* related to the right to education in Latin-script schools in Transnistria, and refraining from boycotting Moldovan products with the objective of unduly influencing the Republic of Moldova's foreign policy choices;

12.5. continuing its constructive engagement in the OSCE Minsk Group in order to find a peaceful solution to the conflict over Nagorno-Karabakh and suspending the sale of offensive weaponry to Armenia and Azerbaijan until such time as this conflict has been resolved.

13. In the view of the Assembly, no solution to the conflict in Ukraine will be possible without the full participation and commensurate political will of the Russian Federation. The Russian Federation therefore needs to engage in a meaningful dialogue with the Assembly on this issue as well as on the honouring of its obligations and commitments to the Council of Europe. However, the Assembly emphasises that such dialogue can only take place if the Russian authorities are willing to participate, in good faith and without preconditions, in a constructive and open dialogue with the Assembly, including on those issues where the views of the Assembly and Russia differ. While, to the Assembly's regret, its offer in [Resolution 1990 \(2014\)](#) for such a dialogue was originally rejected by the State Duma, there have been clear signals that the Duma is now willing to engage in such a constructive dialogue with the Assembly.

14. In order to foster dialogue with the Russian Federation, the Assembly for now resolves to ratify the credentials of the Russian delegation. But, at the same time, as a clear expression of its condemnation of the continuing grave violations of international law in respect of Ukraine by the Russian Federation, including the

Statute of the Council of Europe and Russia's accession commitments to this Organisation, the Assembly resolves to suspend the following rights of the Russian delegation for the duration of the 2015 session of the Assembly:

- 14.1. the right to be appointed rapporteur;
- 14.2. the right to be a member of an ad hoc committee on observation of elections;
- 14.3. the right to represent the Assembly in Council of Europe bodies as well as external institutions and organisations, both institutionally and on an occasional basis.

15. In addition to the sanctions outlined in paragraphs 14.1 to 14.3, the Assembly resolves to suspend the voting rights and the right to be represented in the Bureau of the Assembly, the Presidential Committee and the Standing Committee of the Russian delegation to the Assembly. However, it resolves to return to this issue, with a view to reinstating these two rights at its April 2015 part-session if Russia has made marked and measurable progress towards implementing the demands of the Assembly formulated in this resolution in paragraphs 4.1 to 4.4, paragraphs 5.1 to 5.3, paragraphs 7.1 to 7.9, paragraph 11 and paragraphs 12.1 to 12.4; and has given its full co-operation to the working group mentioned in paragraph 17 of this resolution.

16. The Assembly resolves to annul the credentials of the Russian delegation at its June 2015 part-session if no progress is made with regard to the implementation of the Minsk Protocol and Memorandum as well as the demands and recommendations of the Assembly as expressed in this resolution, in particular with regard to the immediate withdrawal of Russian military troops from eastern Ukraine.

17. The Assembly invites the Bureau of the Assembly to consider setting up, pending the agreement of the parliaments concerned, a special working group with the participation of the speakers of the Russian State Duma and the Ukrainian Verkhovna Rada, or their representatives, to contribute to the realisation of all the propositions made in this resolution and to formulate further possible action by the Parliamentary Assembly in support of the implementation of the Minsk Protocol.